



Paper No. 7

Staas & Halsey, LLP
700 11th Street, NW
Suite 500
Washington, DC 20001

MAILED

FEB 21 2002

Technology Center 2100

In re Application of: Seishi Suehira)
Application No.: 09/441,074)
Filed: November 16, 1999)
For: STRUCTURED DOCUMENT)
PREPARATION METHOD AND)
COMPUTER-READABLE)
RECORDING MEDIUM ON WHICH)
A STRUCTURED DOCUMENT IS)
RECORDED)

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181 TO
RESET PERIOD FOR REPLY
DUE TO LATE RECEIPT**

This is a decision on the petition under 37 CFR 1.181 (Paper No. 6, filed January 23, 2002) requesting a restart of the time period for response to the Office action (Paper No. 5, Rejection, mailed December 13, 2001).

The Following is an excerpt of MPEP § 710.06 which is relevant to this petition:

PETITIONS TO RESET A PERIOD FOR REPLY DUE TO LATE RECEIPT OF AN OFFICE ACTION

The Office will grant a petition to restart the previously set period for reply to an Office action to run from the date of receipt of the Office action at the correspondence address when the following criteria are met:

(1) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;

(2) a substantial portion of the set reply period had elapsed on the date of receipt (e.g., at least 1 month of a 2 - or 3 - month response period had elapsed); and

(3) the petition includes (a) evidence showing the date of receipt of the Office action at the correspondence address (e.g., a copy of the Office action having the date of receipt of the Office action at the correspondence address stamped thereon, a copy of the envelope (which contained the Office action) having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), and (b) a statement setting forth the date of receipt of the Office action at the correspondence address and *explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address.*

The petition states that the correspondence from the USPTO was received on January 18, 2002 and includes a copy of the Office action with the cover sheet bearing a stamp indicating receipt at Staas & Halsey on January 18, 2002. The practitioner explains that mail received by Staas & Halsey is opened by file clerks in the Office Services section of the firm. The correspondence is then forwarded to the Docketing Department where it is date stamped under the supervision of the Docketing Manager.

Petitioner's submission establishes that the mail was stamped with the date of January 18, 2002 by the Docketing Department. Although the implication is that the stamp indicates the date of receipt, there is no statement explaining the time delay between mail receipt and date stamping by Docketing or that the date stamped is indeed the date of receipt by Staas & Halsey as opposed to the date of receipt in the Docketing Department. Numerous phone calls and messages to Mr. Halsey in an attempt to resolve this issue were not returned.

Petitioner has not explained how the evidence being presented establishes the date of receipt of the Office action at the correspondence address. Accordingly, the petition is **DISMISSED**.

The application file is being forwarded to Central Files to await Applicant's response to the Office action of December 13, 2001.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



Margaret A. Focarino, Group Director
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce